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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOE SAMBORA, ET AL.,

Plaintiffs,

vs.

BLUESMART INC, ET AL.,

Defendants.

CASE NO. 18-cv-01253-YGR


**ORDER**

In light of the pleadings and filings in this action, including the failure of defendant Bluesmart, Inc. ("Bluesmart") to comply with the Court's order from May 15, 2018 (Dkt. No. 41), time being of the essence, and good cause appearing, the Court **ORDERS** as follows:

1. Bluesmart's answer to plaintiffs' original complaint (Dkt. No. 15) is **STRICKEN**, and the Clerk shall enter **DEFAULT** as to defendant Bluesmart.
2. The Court hereby **SETS** a compliance hearing for **Friday, July 6, 2018**, on the Court's **9:01 a.m.** calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1. By no later than **June 29, 2018**, plaintiffs shall file a motion for default judgment as to defendant Bluesmart and any related motions, or a statement, not to exceed three (3) pages, setting forth their failure to file such motion(s). If compliance is complete, plaintiffs need not appear and the compliance hearing will be taken off calendar.
3. Plaintiffs' motion for leave to file the second amended complaint attached to the same (Dkt. No. 48) is **GRANTED**. Accordingly, defendant Bluesmart (Assignment for the Benefit of Creditors), LLC's ("Bluesmart ABC") pending motion to dismiss plaintiffs' first amended complaint (Dkt. No. 43) is **DENIED AS MOOT**. Bluesmart ABC shall file a response to plaintiffs' second amended complaint by **June 22, 2018**.
4. The parties shall each file a brief, not to exceed five (5) pages, by **Monday, June 11,**

5. Bluesmart ABC is **ORDERED TO SHOW CAUSE** why it should not be sanctioned in the amount of \$500.00 for failing to comply with Civil Local Rule 7-3(d) (“Civ. L.R. 7-3(d)”) regarding the filing of supplementary material. Civ. L.R. 7-3(d) states: “Once a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval . . . .” Bluesmart ABC filed a sur-reply in opposition to plaintiffs’ preliminary injunction motion (Dkt. No. 45) without prior Court approval and thus violated Civil Local Rule 7-3(d). A hearing on this Order to Show Cause shall be held on **Tuesday, June 12, 2018 at 2:00 p.m.**, in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1.
6. The parties are admonished as follows:
  - a. Civil Local Rule 3-4(c) provides that printed text, including footnotes “may not be smaller than *12-point standard font*[.]” (emphasis supplied). Plaintiffs are hereby warned that future use of a smaller font size to avoid page limitations will result in the striking of the filing.
  - b. The undersigned sits in the Oakland, not the San Francisco, division of the United States District Court for the Northern District of California. All future filings shall so reflect.
  - c. The correct spelling of the undersigned’s name is “Gonzalez,” not “Gonzales.” (See Dkt. No. 43 at ECF p. 2.)

**IT IS SO ORDERED.**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE